

COMBINED DECLARATION AND POWER OF ATTORNEY
(Continuation or CIP Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled STAPHYLOCOCCUS AUREUS ANTIBACTERIAL TARGET GENES

the specification of which

_____ is attached hereto.

X was filed on September 13, 1996 as

Application Serial No. 08/714,918 and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	Yes	No
_____	_____	_____	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/003,798</u> (Application Serial No.)	<u>09/15/95</u> (Filing Date)	<u>Abandoned</u> (Status) (patented, pending, abandoned)
<u>60/009,102</u> (Application Serial No.)	<u>12/22/95</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: RICHARD J. WARBURG, ESO., REGISTRATION NO. 32,327.

Kindly recognize as associate attorney:

Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr. Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 29,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghay, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; F.T. Alexandra Mahaney, Reg. No. 37,668; Sheldon O. Heber, Reg. No. 38,179; Jeffrey W. Guise, Reg. No. 34,613; Charles S. Berkman, Reg. No. 38,077; Anthony C. Chen, Reg. No. 38,673; of LYON & LYON, First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066

Address all telephone calls to RICHARD J. WARBURG, ESO. at telephone no. (619) 552-8400

Address all correspondence to Richard J. Warburg, Esq., Lyon & Lyon, First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of sole or first inventor BRET BENTON

Inventor's signature Bret Benton Date: NOV 17, 1996

Residence 2018 Trousdale Drive, #5, Burlingame, CA 94010

Citizenship USA

Post Office Address 2018 Trousdale Drive, #5, Burlingame, CA 94010

Full name of second inventor VING J. LEE

Inventor's signature Ving Lee Date: NOV 13, 1996

Residence 1335 Carvo Court, Los Altos, CA 94024

Citizenship USA

Post Office Address 1335 Carvo Court, Los Altos, CA 94024

Full name of third inventor FRANCOIS MACQUIN

Inventor's signature François Macquin

Date Nov 11 - 96

Residence 18400 Overlook Road, #6, Los Gatos, CA 95030

Citizenship Canada

Post Office Address 18400 Overlook Road, #6, Los Gatos, CA 95030

Full name of fourth inventor PATRICK K. MARTIN

Inventor's signature Patrick K. Martin

Date Nov 11 - 96

Residence 230 Arriba Drive, #6, Sunnyvale, CA 94086

Citizenship U.S.

Post Office Address 230 Arriba Drive, #6, Sunnyvale, CA 94086

Full name of fifth inventor MOLLY B. SCHMID

Inventor's signature Molly B. Schmid

Date Nov 13 1996

Residence 1065 Middle Avenue, Menlo Park, CA 94025

Citizenship USA

Post Office Address 1065 Middle Avenue, Menlo Park, CA 94025

Full name of sixth inventor DONGXU SUN

Inventor's signature Dongxu Sun

Date: Nov 13 - 96

Residence 20200 Lucille Avenue, #8, Cupertino, California 95014

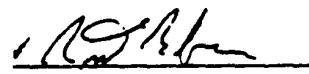
Citizenship P. R. China

Post Office Address 20200 Lucille Avenue, #8, Cupertino, California 95014

ASSIGNMENT

For valuable consideration, we, Bret Benton of Burlingame, California; Ving I. Lee of Los Altos, California; Francois Malouin of Los Gatos, California; Patrick K. Martin of Sunnyvale, California; Molly B. Schmid of Menlo Park, California and Dongxu Sun of Cupertino, California hereby assign to MICROCIDE PHARMACEUTICALS, INC., a California corporation having a place of business at 850 Maude Avenue, Mountain View, California 94041, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are the subject of an application for United States Patent filed on September 13, 1996, U.S. Serial No. 08/714,918, entitled STAPHYLOCOCCUS AUREUS ANTIBACTERIAL TARGET GENES, this assignment including said application, any and all United States and foreign patents granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Mountain View, California this 13 day of November, 1996.



BRET BENTON

State of California :

ss.

County of Santa Clara :

Before me this 13 day of November, 1996, personally appeared BRET BENTON known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Notary's Seal Here]




SARAH V. CHANG

Notary Public

My commission expires:

July 24, 1998

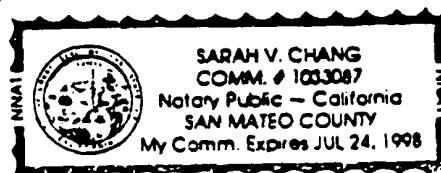
IN WITNESS WHEREOF, I hereto set my hand and seal at Mt. View, Paisford this 11 day of November, 1996.

Ving J. Lee
VING J. LEE

State of California : ss.
County of Santa Clara :

Before me this 11 day of November, 1996, personally appeared VING J. LEE known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Notary's
Seal Here]



Sarah Chang
Notary Public

My commission expires: ✓
July 24, 1998

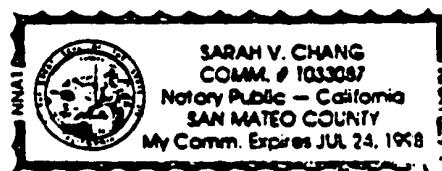
IN WITNESS WHEREOF, I hereto set my hand and seal at Mountain View, CA this 11 day of November, 1996.

Francois Malouin
FRANCOIS MALOUIN

State of California : ss.
County of Santa Clara :

Before me this 11 day of November, 1996, personally appeared FRANCOIS MALOUIN known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Notary's
Seal Here] ✓



Sarah Chang
Notary Public

My commission expires: ✓
July 24, 1998

IN WITNESS WHEREOF, I hereto set my hand and seal at Murin View, California this 17th day of November, 1996.

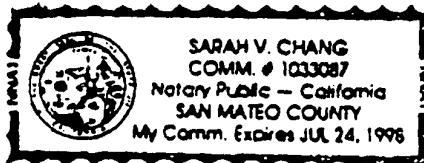
Patrick K. Martin
PATRICK K. MARTIN

State of California : ss.

County of Santa Clara :

Before me this 11th day of November, 1996, personally appeared PATRICK K. MARTIN known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Notary's ✓
Seal Here]



Sarah V. Chang
Notary Public

My commission expires:
July 24, 1998

IN WITNESS WHEREOF, I hereto set my hand and seal at Murin View, California this 17th day of November, 1996.

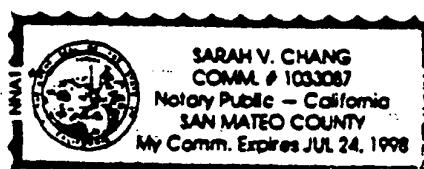
Molly B. Schmid
MOLLY B. SCHMID

State of California : ss.

County of Santa Clara :

Before me this 11th day of November, 1996, personally appeared MOLLY B. SCHMID known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

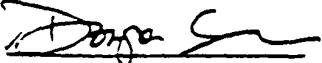
[Notary's ✓
Seal Here]



Sarah V. Chang
Notary Public

My commission expires:
July 24, 1998

IN WITNESS WHEREOF, I hereto set my hand and seal at At View, California this 13 day of November, 1996.

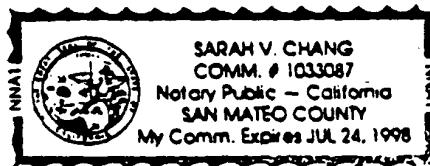

DONGXU SUN

State of California : ss.

County of Santa Clara :

Before me this 13 day of November, 1996, personally appeared DONGXU SUN known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

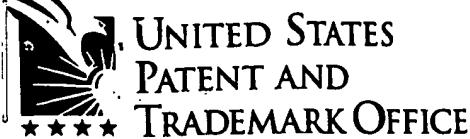
(Notary's
Seal Here)




Sarah V. Chang

Notary Public

My commission expires:
July 24, 1998



UNITED STATES

PATENT AND

TRADEMARK OFFICE

252/034

XN
Searched
1/10/02
JANUARY 05, 2002

PTAS

Chief Financial Officer and Chief Administrative Officer
Washington, DC 20231
www.uspto.gov

LYON & LYON LLP
BERNARD F. ROSE, ESQ.
633 WEST 5TH STREET, SUITE 4700
LOS ANGELES, CA 90071-2066



101900983A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/19/2001

REEL/FRAME: 012273/0625
NUMBER OF PAGES: 6

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MICROCIDE PHARMACEUTICALS, INC.

DOC DATE: 10/24/2001

ASSIGNEE:

ESSENTIAL THERAPEUTICS, INC.
850 MAUDE AVENUE
MOUNTAIN VIEW, CALIFORNIA 94043

SERIAL NUMBER: 08388109
PATENT NUMBER: 5883074

FILING DATE: 02/08/1995
ISSUE DATE: 03/16/1999

SERIAL NUMBER: 08589257
PATENT NUMBER:

FILING DATE: 01/23/1996
ISSUE DATE:

SERIAL NUMBER: 08713718
PATENT NUMBER:

FILING DATE: 09/13/1996
ISSUE DATE:

SERIAL NUMBER: 08730039
PATENT NUMBER:

FILING DATE: 10/11/1996
ISSUE DATE:

RECEIVED

JAN 10 2002

U.S. PROSECUTION

SERIAL NUMBER: 09059802
PATENT NUMBER:

FILING DATE: 04/14/1998
ISSUE DATE:

2341/141

SERIAL NUMBER: 09082077
PATENT NUMBER:

FILING DATE: 05/20/1998
ISSUE DATE:

2341/151

SERIAL NUMBER: 09073073
PATENT NUMBER:

FILING DATE: 05/04/1998
ISSUE DATE:

2341/161

SERIAL NUMBER: 09108906
PATENT NUMBER:

FILING DATE: 07/01/1998
ISSUE DATE:

235/171

SERIAL NUMBER: 09164609
PATENT NUMBER:

FILING DATE: 10/01/1998
ISSUE DATE:

237/186

SERIAL NUMBER: 09265935
PATENT NUMBER:

FILING DATE: 03/09/1999
ISSUE DATE:

240/193

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PATENT NUMBER:

FILING DATE: 06/11/1999
ISSUE DATE:

246/223

SERIAL NUMBER: 60236901
PATENT NUMBER:

FILING DATE: 09/28/2000
ISSUE DATE:

256/233

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PATENT NUMBER:

FILING DATE: 03/17/2000
ISSUE DATE:

262/243

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PATENT NUMBER:

FILING DATE: 03/17/2000
ISSUE DATE:

262/253

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FILING DATE: 03/17/2000
ISSUE DATE:

263/263

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FILING DATE: 09/29/2000
ISSUE DATE:

271/271

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PATENT NUMBER:

FILING DATE: 08/01/2000
ISSUE DATE:

271/280

SERIAL NUMBER: 09613302
PATENT NUMBER:

FILING DATE: 07/10/2000
ISSUE DATE:

271/292

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PATENT NUMBER:

FILING DATE: 08/29/2000
ISSUE DATE:

271/317

SERIAL NUMBER: 09668722
PATENT NUMBER:

FILING DATE: 09/21/2000
ISSUE DATE:

271/341

SERIAL NUMBER: 09906843
PATENT NUMBER:

FILING DATE: 07/16/2001
ISSUE DATE:

278/367

SERIAL NUMBER: 09724818
PATENT NUMBER:

FILING DATE: 11/28/2000
ISSUE DATE:

279/387

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SERIAL NUMBER: 08413714	FILING DATE: 03/29/1995	2641264 (07R)
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SERIAL NUMBER: 09188057	FILING DATE: 11/06/1998	2641268
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SERIAL NUMBER: 08672215	FILING DATE: 06/25/1996	2641158
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SERIAL NUMBER: 08728232
PATENT NUMBER: 6066630

FILING DATE: 10/11/1996 222-1230
ISSUE DATE: 05/23/2000

SERIAL NUMBER: 08730042
PATENT NUMBER: 6087355

FILING DATE: 10/11/1996 222-1231
ISSUE DATE: 07/11/2000

SERIAL NUMBER: 08728233
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FILING DATE: 10/11/1996 222-1232
ISSUE DATE: 05/02/2000

SERIAL NUMBER: 08730040
PATENT NUMBER: 5859256

FILING DATE: 10/11/1996 222-1233
ISSUE DATE: 01/12/1999

SERIAL NUMBER: 08770246
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ISSUE DATE: 10/05/1999

SERIAL NUMBER: 08876691
PATENT NUMBER: 6303115

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ISSUE DATE: 10/16/2001

SERIAL NUMBER: 09012363
PATENT NUMBER: 6114310

FILING DATE: 01/23/1998 222-1113
ISSUE DATE: 09/05/2000

SERIAL NUMBER: 08937812
PATENT NUMBER: 6025352

FILING DATE: 09/29/1997 222-1114
ISSUE DATE: 02/15/2000

SERIAL NUMBER: 09020001
PATENT NUMBER: 6245746

FILING DATE: 02/04/1998 222-1096
ISSUE DATE: 06/12/2001

SERIAL NUMBER: 09089734
PATENT NUMBER: 6204279

FILING DATE: 06/03/1998 222-1097
ISSUE DATE: 03/20/2001

SERIAL NUMBER: 09265315
PATENT NUMBER: 6187541

FILING DATE: 03/09/1999 222-1241
ISSUE DATE: 02/13/2001

SERIAL NUMBER: 09266417
PATENT NUMBER: 6228588

FILING DATE: 03/09/1999 222-1248
ISSUE DATE: 05/08/2001 240-1248

KIMBERLY WHITE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Docket No. **101900983**
To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

MICRODIE PHARMACEUTICALS, INC.

11/19/01

Additional name(s) of conveying party(ies) attached?

 Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name

 Other _____Execution Date: October 24, 2001

2. Name and address of receiving party:

Name: ESSENTIAL THERAPEUTICS, INC.Internal Address: NOV 13

City: _____ State: _____ Zip: _____

Street Address: 850 Maude AvenueCity: Mountain View State: CA Zip: 94043Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s).: See Attached ListB. Patent No(s).: See Attached ListAdditional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Bernard F. Rose, Esq.Internal Address: LYON & LYON LLP
633 West Fifth Street, Suite 4700
Los Angeles, CA 90071-20666. Total number of applications and patents involved: 527. Total fee (37 CFR 3.41): \$ 2,080.00 Enclosed Charge this Deposit Account if any additional fee is required.8. Deposit Account Number: 12-2475

DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Bernard F. Rose, Reg No. 42,112

Date: 11/17/01Total number of pages including cover sheet: 6

OMB No. 0651-0011 (exp. 4/94)

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Mail documents to be recorded with required cover sheet information to:

Director — U.S. Patent and Trademark Office

1/23/2001 GTON11 00000128 09388109

Box Assignments

1 FC:581

2080.00 0P

Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503

ATTACHMENT

Docket #	Inventor	Serial Number Filing Date	Patent Number Issue Date	Title
209/078	Boggs, et al.	08/388,109 2/8/95	5,883,0874 3/16/99	Potentiators Of Antibacterial Agents
210/083	Trias, et al.	08/427,088 4/21/95	5,989,832 11/23/99	Efflux Pump Inhibitors
211/263	Hecker, et al.	08/413,713 3/29/95	5,756,493 5/26/98	Cephalosporin Antibiotics
211/264	Hecker, et al.	08/413,714 3/29/95	5,607,926 3/4/97	Cephalosporin Antibiotics
211/267	Hecker, et al.	08/413,712 3/29/95	5,604,218 2/18/97	Cephalosporin Antibiotics
211/268	Hecker, et al.	08/415,064 3/29/95	5,789,584 8/4/98	Cephalosporin Antibiotics
213/012	Hecker, et al.	08/455,969 5/31/95	5,698,547 12/16/97	Cephalosporin Antibiotics
213/013	Hecker, et al.	08/457,673 6/1/95	5,688,786 11/18/97	Cephalosporin Antibiotics
214/260	Fronko, R. et al.	09/188,057 11/6/98	6,228,842 5/8/01	New Pacidamycins Produced By Streptomyces Coeruleorubidus
218/053	Boggs, et al.	08/589,257 1/23/96		Screening For Modulators of Biomolecules
219/158	Bao, et al.	08/672,215 6/25/96	6,020,121 2/1/00	Inhibitors Of Regulatory Pathways
222/005	Boggs, et al.	08/714,918 9/13/96	6,037,123 3/14/00	Staphylococcus Aureus Antibacterial Target Genes
222/093	Boggs, et al.	08/713,718 9/13/96		Staphylococcus Aureus Antibacterial Target Genes
222/229	Cho, et al.	08/730,039 10/11/96		Cephalosporin Antibiotics
222/230	Cho, et al.	08/728,232 10/11/96	6,066,630 5/23/00	Cephalosporin Antibiotics
222/231	Cho, et. al.	08/730,042 10/11/96	6,087,355 7/11/00	Cephalosporin Antibiotics
222/232	Cho, et al.	08/728,233 10/11/96	6,057,312 5/2/00	Cephalosporin Antibiotics
222/233	Cho, et al.	08/730,040 10/11/96	5,859,256 1/12/99	Cephalosporin Antibiotics
223/171	Benton, et al.	08/770,246 12/20/96	5,962,249 10/5/99	Size-Based Marker Identification Technology

/190	Natsoulis, George	09/876,691 6/16/97	6,303,115 10/16/01	Screening Methods Using Microbial Strain Pools
226/083	Chamberland, et al.	09/012,363 1/23/98	6,114,310 9/5/00	Efflux Pump Inhibitors
228/171	Cho, et al.	08/937,812 9/29/97	6,025,352 2/15/00	Cephalosporin Antibiotics
232/036	Chamberland, et al	09/020,001 2/4/98	6,245,746 6/12/01	Efflux Pump Inhibitors
234/028	Leger, et al.	09/089,734 6/3/98	6,204,279 3/20/01	Peptidomimetic Efflux Pump Inhibitors
234/044	Boggs, et al.	09/059,802 4/14/98		Screening For Modulators of Biomolecules
234/067	Benton, et al.	09/082,077 5/20/98		Staphylococcus Aureus Antibacterial Target Genes
234/117	Bostian, et al.	09/073,073 5/4/98		Methods For Evaluation of Antimicrobial Targets
235/177	Chamberland, et al.	09/108,906 7/1/98		Efflux Pump Inhibitors
237/126	Chamberland, et al.	09/164,609 10/1/98		Fungal Efflux Pump Inhibitors
240/247	Benton, et al.	09/265,315 3/9/99	6,187,541 2/13/01	Staphylococcus Aureus Antibacterial Target Genes
240/248	Benton, et al.	09/266,417 3/9/99	6,228,588 5/8/01	Staphylococcus Aureus Antibacterial Target Genes
240/293	Benton, et al.	09/265,935 3/9/99		Staphylococcus Aureus Antibacterial Target Genes
243/223	Boojarma, et al.	09/330,503 6/11/99		Uridyl Peptide Antibiotic (UPA) Derivatives, Their Synthesis And Use
247/112	Nakane, Paul K.	60/236,901 9/28/00		Rapid Antibiotic Susceptibility Tests
252/032	Benton, et al.	09/528,204 3/17/00		Staphylococcus Aureus Antibacterial Target Genes
252/033	Benton, et al.	09/528,709 3/17/00		Staphylococcus Aureus Antibacterial Target Genes
252/034	Benton, et al.	09/527,745 3/17/00		Staphylococcus Aureus Antibacterial Target Genes
252/157	Lee, et al.	09/672,570 9/27/00		Efflux Pump Inhibitors Produced By a Novel Strain Of Streptomyces SP
253/293	Benton, et al.	09/630,630 8/1/00		Staphylococcus Aureus Antibacterial Target Genes
255/192	Chamberland, et al.	09/613,302 7/10/00		Efflux Pump Inhibitors
255/260	Glinka, Tomasz W.	60/229,174 8/29/00		Cephalosporin Antibiotics And Prodrugs Thereof

57/041	Hecker, et al.	09/668,722 9/21/00		7-ACETAMINO-3-HETEROARYLTHIO-3-CEPHEM CARBOXYLIC ACID ANTIBIOTICS AND PRODRUGS THEREOF
258/057	Hecker, et al.	09/906,843 7/16/01		Improved Beta-Lactam Antibiotics And Products Thereof
259/082	Leger, et al.	09/724,818 11/28/00		Peptidomimetic Efflux Pump Inhibitors
260/283	Watkins, Will	60/286,052 4/23/01		RND Efflux Pump Inhibitors For Non-Systemic Use
261/043	Bond, et al.	09/785,940 2/15/01		Inhibition Of RECA Protein Function As A Means Of Reducing The Frequency Of Rifampicin Resistance In Bacteria
261/156	Watkins, Will	09/906,864 7/16/01		Fungal Efflux Pump Inhibitors
262/095	Lee, May D.	09/949,230 9/7/01		New Antibiotics From Microbispora
264/219	Benton, Bret	60/292,841 5/21/01		Staphylococcus Aureus In Vivo Survival Genes
265/094	Bostian, et al.	09/877,638 6/8/01		Methods For Evaluation of Antimicrobial Targets
266/106	Nakane, Paul K.	09/920,785 8/1/01		Rapid Antibiotic Susceptibility Tests
266/206	Glinka, Tomasz W.	09/925,217 8/8/01		Cephalosporin Antibiotics And Prodrugs Thereof

State of Delaware
Office of the Secretary of State PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "MICROCIDE PHARMACEUTICALS, INC.", CHANGING ITS NAME FROM "MICROCIDE PHARMACEUTICALS, INC." TO "ESSENTIAL THERAPEUTICS, INC.", FILED IN THIS OFFICE ON THE TWENTY-FOURTH DAY OF OCTOBER, A.D. 2001, AT 1:05 O'CLOCK P.M.

1432
Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State



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AUTHENTICATION: 1408100

DATE: 10-24-01

OM CORPORATION TRUST-DOVER, DE 302-674-8340 (WID) 10/24/01 12:31/ST. 12 STATE OF DELAWARE
DIVISION OF CORPORATIONS
FILED 01/05 PM 10/24/01 01
010331703 - 2597293

**CERTIFICATE OF AMENDMENT TO
RESTATED CERTIFICATE OF INCORPORATION
OF
MICROCIDE PHARMACEUTICALS, INC.**

Pursuant to § 242 of the General Corporation Law
of the State of Delaware

Microdose Pharmaceuticals, Inc., a corporation organized and existing under the General Corporation Law of the State of Delaware (the "Corporation") does hereby certify:

1. The name of the Corporation is Microcide Pharmaceuticals, Inc. and was originally incorporated under the same name, and the original Certificate of Incorporation was filed with the Secretary of State of the State of Delaware on February 29, 1996.
2. The following Amendment to the Registered Certificate of Incorporation of the corporation has been duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware:

Article I of the Restated Certificate of Incorporation is hereby amended to read in its entirety as follows:

"ARTICLE I.

The name of this corporation is Essential Therapeutics, Inc.

3. amendment. The capital of the corporation will not be reduced under or by reason of the foregoing.

IN WITNESS WHEREOF, Microcide Pharmaceuticals, Inc. has caused this Certificate to be executed by its duly authorized officer this 24th day of October, 2001.

MICROCIDE PHARMACEUTICALS, INC.

By: Ad James E. Rurka
Name: James E. Rurka
Title: President and Chief Executive Officer